

ASSEMBLY BILL

No. 667

Introduced by Assembly Member Jones

February 17, 2005

An act to amend Section 17602 of the Family Code, relating to child support.

LEGISLATIVE COUNSEL'S DIGEST

AB 667, as introduced, Jones. Child support enforcement.

Existing law requires the Department of Child Support Services to adopt the federal minimum standards as the baseline standard of performance for the local child support agencies and work in consultation with the local child support agencies to develop program performance targets on an annual federal fiscal year basis.

This bill instead would require the department to adopt and achieve statewide performance standards to accomplish the goals of continually improving program performance and maximizing federal incentive funding on an annual federal fiscal year basis.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 17602 of the Family Code is amended
2 to read:
3 17602. (a) The department shall adopt ~~the federal minimum~~
4 ~~standards as the baseline standard of performance for the local~~
5 ~~child support agencies and work in consultation with the local~~
6 ~~child support agencies to develop program performance targets~~
7 *and achieve statewide performance standards to accomplish the*

1 *goals of continually improving program performance and*
2 *maximizing federal incentive funding on an annual federal fiscal*
3 *year basis. The performance measures shall include, at a*
4 *minimum, the federal performance measures and the state*
5 *performance measures, as described in subdivision (c) of Section*
6 *17600. The program performance targets shall represent ongoing*
7 *improvement in the performance measures for each local child*
8 *support agency, as well as the department's statewide*
9 *performance level.*

10 (b) In determining the performance measures in subdivision
11 (a), the department shall consider the total amount of uncollected
12 child support arrearages that are realistically collectible. The
13 director shall analyze, in consultation with local child support
14 agencies and child support advocates, the current amount of
15 uncollected child support arrearages statewide and in each county
16 to determine the amount of child support that may realistically be
17 collected. The director shall consider, in conducting the analysis,
18 factors that may influence collections, including demographic
19 factors such as welfare caseload, levels of poverty and
20 unemployment, rates of incarceration of obligors, and age of
21 delinquencies. The director shall use this analysis to establish
22 program priorities as provided in paragraph (7) of subdivision (b)
23 of Section 17306.

24 (c) The department shall use the performance-based data, and
25 the criteria for that data, as set forth in Section 17600 to
26 determine a local child support agency's performance measures
27 for the quarter.

28 (d) The director shall adopt a three phase process to be used
29 statewide when a local child support agency is out of compliance
30 with the performance standards adopted pursuant to subdivision
31 (a), or the director determines that the local child support agency
32 is failing in a substantial manner to comply with any provision of
33 the state plan, the provisions of this code, the requirements of
34 federal law, the regulations of the department, or the cooperative
35 agreement. The director shall adopt policies as to the
36 implementation of each phase, including requirements for
37 measurement of progress and improvement which shall be met as
38 part of the performance improvement plan specified in
39 paragraphs (1) and (2), in order to avoid implementation of the
40 next phase of compliance. The director shall not implement any

1 of these phases until July 1, 2001, or until six months after a local
2 child support agency has completed its transition from the office
3 of the district attorney to the new county department of child
4 support services, whichever is later. The phases shall include the
5 following:

6 (1) Phase I: Development of a performance improvement plan
7 that is prepared jointly by the local child support agency and the
8 department, subject to the department's final approval. The plan
9 shall provide performance expectations and goals for achieving
10 compliance with the state plan and other state and federal laws
11 and regulations that must be reviewed and assessed within
12 specific timeframes in order to avoid execution of Phase II.

13 (2) Phase II: Onsite investigation, evaluation and oversight of
14 the local child support agency by the department. The director
15 shall appoint program monitoring teams to make site visits,
16 conduct educational and training sessions, and help the local
17 child support agency identify and attack problem areas. The
18 program monitoring teams shall evaluate all aspects of the
19 functions and performance of the local child support agency,
20 including compliance with state and federal laws and regulations.
21 Based on these investigations and evaluations, the program
22 monitoring team shall develop a final performance improvement
23 plan and shall oversee implementation of all recommendations
24 made in the plan. The local child support agency shall adhere to
25 all recommendations made by the program monitoring team. The
26 plan shall provide performance expectations and compliance
27 goals that must be reviewed and assessed within specific
28 timeframes in order to avoid execution of Phase III.

29 (3) Phase III: The director shall assume, either directly or
30 through agreement with another entity, responsibility for the
31 management of the child and spousal support enforcement
32 program in the county until the local child support agency
33 provides reasonable assurances to the director of its intention and
34 ability to comply. During the period of state management
35 responsibility, the director or his or her authorized representative
36 shall have all of the powers and responsibilities of the local child
37 support agency concerning the administration of the program.
38 The local child support agency shall be responsible for providing
39 any funds as may be necessary for the continued operation of the
40 program. If the local child support agency fails or refuses to

1 provide these funds, including a sufficient amount to reimburse
2 any and all costs incurred by the department in managing the
3 program, the Controller may deduct an amount certified by the
4 director as necessary for the continued operation of the program
5 by the department from any state or federal funds payable to the
6 county for any purpose.

7 (e) The director shall report in writing to the Legislature
8 semiannually, beginning July 1, 2001, on the status of the state
9 child support enforcement program. The director shall submit
10 data semiannually to the Legislature, the Governor, and the
11 public, on the progress of all local child support agencies in each
12 performance measure, including identification of the local child
13 support agencies that are out of compliance, the performance
14 measures that they have failed to satisfy, and the performance
15 improvement plan that is being taken for each.